

Congress of the United States
Washington, DC 20515

July 31, 2019

The Honorable Ken Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
111 Massachusetts Ave. NW
Washington, D.C. 20529

Dear Acting Director Ken Cuccinelli,

On behalf of the Congressional Hispanic Caucus, we are writing to request a meeting with you regarding our concern—heightened by recent actions taken under your leadership—that USCIS now functions as an extension of President Trump’s immigration enforcement regime instead of the service-oriented immigration benefits agency that Congress intended. As USCIS’s own website observes, the law creating USCIS charged it with “focusing exclusively on the administration of benefit applications,” while assigning immigration enforcement responsibilities to Immigration and Customs Enforcement (ICE). Yet during your tenure as Acting Director, your agency’s policies and rhetoric have made it difficult to determine where USCIS ends and ICE begins.

To begin with, we are alarmed that measures carried out under your leadership are shifting resources toward immigration enforcement rather than reducing USCIS’s crisis-level case processing delays. In particular, we were alarmed by reports that on July 17—one day after USCIS officials testified under oath before Congress that the agency is “taking advantage of the resources we have” to decrease case processing delays—USCIS leadership asked agency personnel to volunteer to perform work for ICE at ICE field offices throughout the country. This email conveys the message that USCIS is more committed to detention and deportation efforts than processing immigration cases on time. Further, it is reprehensible that USCIS leadership would ask its staff—who are funded by application fees, often paid by immigrant families—to assume enforcement roles that could involve the targeting of those same families.

Moreover, instead of focusing on USCIS’s growing case backlog during your appearances on multiple news shows, you tout ICE raids along with other enforcement initiatives. This rhetoric is both baffling and inappropriate, as these areas plainly fall outside of USCIS’s legal authority. Indeed, your decision to emphasize the work of ICE during these nationally televised events raises the question of which agency’s mission USCIS is aiming to fulfill. We were also alarmed to see reports that you are supportive of a proposed pilot program called “Operation Safe Return”, which would fast-track the deportation of vulnerable families. Much like other policies by the Trump Administration, this program would undermine due process safeguards in our asylum system and could result in the expedited deportation of numerous families back to deadly conditions in their home countries.

We also believe that the Asylum and Internal Relocation Guidance you issued on July 26 effectively urges Asylum Officers to deny asylum to families for failing to internally relocate in their home country, even when such relocation could have resulted in further persecution and even death. Many of these families have escaped the most dangerous countries in the world—plagued by high levels of homicides, kidnappings, and sexual assaults—where gangs, drug traffickers, and other persecutors operate nationwide. Yet the July 26 guidance appears to assume that migrant families would prefer to embark on a perilous and sometimes deadly 2,000-mile journey to seek asylum in the United States when they could instead just relocate safely in their home

countries. This represents yet another measure suggesting that USCIS is now more dedicated to deporting applicants than fairly adjudicating their cases.

Furthermore, we are concerned that USCIS will make misguided revisions to the citizenship test. Already, USCIS is instituting a range of policies that function as harmful barriers to naturalization. We are alarmed that changes to the citizenship test could further prevent deserving immigrants from becoming U.S. citizens.

The Congressional Hispanic Caucus will not stand idly by as we watch your agency divert resources toward immigration enforcement and implement policies that systematically exclude vulnerable families from immigration benefits in the United States for which they would normally qualify. We hope you will find time in the coming weeks to meet with our members and collaboratively discuss a path forward for realigning USCIS with its statutory mission.

Sincerely



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CHC Chairman



Ruben Gallego
CHC First Vice-Chair



Nanette Diaz Barragan
CHC Second Vice-Chair



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